

COMITÉ EXÉCUTIF DE LA FÉSP / EXECUTIVE COMMITTEE OF THE FGPS
Procès-verbal du 7 mai 2013 / Minutes of 7 May 2013

4. a) ALI, Nicholas (5033260) APA/PhD Appeal decision re thesis and withdrawal from program

The Committee was informed that Vice-Dean Stanley had been contacted by Lucie Allaire, the University ombudsperson, on behalf of the student, seeking to know the order in which consideration of Mr. Ali's appeal would unfold. Ms. Allaire indicated that Mr. Ali had requested to know if and when exactly the Dean of the FGPS would recuse himself and whether he (Mr. Ali) could be present when the Dean was present. Ms. Allaire indicated that the student was concerned that the Dean's presence during an appeal of his decision might bias the decision-making process. The Vice-Dean indicated to Ms. Allaire that the decision on recusal and procedures would need to be made by the Executive Committee, but that he would recommend to the Committee both that the Dean not be present for the decision and that the Committee communicate to Mr. Ali and Ms. Gervais what the exact procedures would be prior to their appearing before the Committee. Ms. Allaire communicated this to Mr. Ali and Ms. Gervais with the agreement of the Vice-Dean.

The Committee noted that it is not specified anywhere in the regulations of the FGPS that the Dean of the FGPS must absent himself while the Committee is reviewing an appeal of a decision he has made. The Dean indicated his intention to recuse himself once the Committee began to deliberate on the decision.

The Committee agreed to the following: for the entirety of point 4a, the meeting will be chaired by the Vice-Dean; the student will get an opportunity to present his case, with Ms. Gervais present as observer; the Committee may ask the student to clarify some points; the student and Ms. Gervais will leave the room; the Committee will give the Dean an opportunity to speak and may ask him to clarify some points; the Dean will then withdraw. Following his withdrawal, the Committee will then deliberate on its decision.

The Vice-Dean conveyed this information to the student and Ms. Gervais and invited them to enter the room.

The chair (Vice-Dean Stanley) invited Mr. Ali to add anything that was not included in the documentation before the Committee. Mr. Ali asked for clarification as to the process. The chair told him that he would first be given an opportunity to present his case and that members may then have some questions for him. Once Mr. Ali has left the room, there will be a fact-finding period during which the Dean of the FGPS will be present to answer any queries the Committee may have. After that the Dean will withdraw and the Committee will deliberate on its decision.

Mr. Ali requested a copy of the Minutes of the meeting. His request was granted but it was pointed out that the Minutes will first need to have been approved by the Committee. It was also pointed out to Mr. Ali that it was possible that the Committee might defer its decision until a future meeting, in the event that it needed to obtain more information.

In his oral presentation to the Committee, Mr. Ali stated that he had worked for five years on the thesis and that, during that period, he had shared his results with international journals and with other labs. He requested the Committee to review the material before them and thanked the Committee members for their time.

A committee member invited Mr. Ali to summarize what he understood regarding the interactions between his supervisor and the external examiners. Mr. Ali referred to a meeting on 13 December 2012

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between the Dean and his supervisor, Dr. Robertson. He stated that the second external examiner, Dr. Pierrynowski, had communicated his report to Dr. Robertson prior to submitting it to the FGPS and that this was contrary to the instructions given. These instructions are that the reports must be returned to the Dean of the FGPS.

Regarding the submission of the revised thesis, Mr. Ali stated that the internal examiners had received his "thesis reviewer sheets" before the FGPS distributed his revised thesis to them for evaluation.

Mr. Ali was asked about the textbook which he indicates as involving both Dr. Robertson and Dr. Caldwell, one of the externals. Mr. Ali said that each submitted a chapter but that he did not know if they had each submitted their chapter independently or whether they had edited each other's chapter.

Mr. Ali was asked to state what he was seeking from the Committee. Mr. Ali responded that, in view of his claim that the evaluation of his thesis was contaminated for the reasons set out in his letter of appeal; he is asking that his thesis be evaluated again by a new committee. Asked whether, in the event that his request is granted, he would want his original supervisors (Dr. Robertson and Dr. Rouhi) to be involved, Mr. Ali said that he was inclined to think that he would. Mr. Ali then asked why they would be needed. It was explained that they may need to be consulted regarding the selection of a new jury and that they would normally be present at the defence, should the thesis be approved for defence.

Mr. Ali asked if his letter of appeal was forwarded to the Faculty of Health Sciences. He was told that it was not.

Mr. Ali said that he was uncomfortable appearing before the Executive Committee of the FGPS. He asked what Dr. Robertson's involvement in his case was. It was pointed out that he had copies of the e-mails. Mr. Ali said that he had difficulty understanding what information the Committee would use in reaching a decision. He stated that, in his view, 90% of the documentation before the Committee was technical and that, as far as he could tell, no one on the Committee has expertise in his area. It was explained that the Committee would not be passing judgement on the scientific merit of the thesis itself. The Committee will have to decide whether or not to accept the Dean's decision based on whether appropriate procedures were followed. Mr. Ali claimed that he never received a final copy of the documentation that is before the Committee. It was pointed out that it was sent to him but that it would be sent again.

Ms. Gervais requested that the student be provided with any new information that may come to light following today's meeting. Mr. Ali stated his willingness to provide any additional information that may be needed.

Mr. Ali and Ms. Gervais left the room.

The Committee discussed the case. The members clarified the procedures that were followed in the Dean's decisions relating to the original and the revised thesis. They noted that the student appeared to be using the term "conflict of interest" when in fact the appropriate term is "arm's length." With respect to Dr. Lemaire's statement that he was not sure he could be neutral; the Dean indicated that he was unaware of Dr. Lemaire's remark until after the second evaluation was completed.

The Committee observed that Mr. Ali, when faced with having to do revisions, had challenged the examiners and refused to make many of the changes.

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The Dean left the room.

The Committee decided that, notwithstanding Dr. Lemaire's earlier comment about not being sure of being able to be neutral, there was no evidence of bias in his evaluations and that he had reviewed both the original and the revised thesis carefully. The Committee noted that, while the examiners' evaluations differed, there were significant points in common.

The Committee discussed whether Dr. Pierrynowski's communication of his evaluation to Dr. Robertson prior to his communication of it to the FGPS would have biased his evaluation against the student. The Committee decided that if anything, this breach would have biased the evaluation in favour of the student.

The Committee considered that the fact that Dr. Caldwell may not be at arm's length does not mean that his evaluation is invalid. If anything, his association with Dr. Robertson should have increased the likelihood that he would accept the thesis. Even if Dr. Caldwell's review is set aside, the revised thesis still has two examiners expressing the view that it is not acceptable for defence (two # 3 verdicts) and a third declaring it can go to defence on the understanding that corrections will be needed after defence. They noted that the corrections indicated in the latter's evaluation are substantive. The Committee considered that the fact that there are now five published papers based on the work presented in the thesis does not mean that the thesis should be allowed to go to defence notwithstanding the examiners' verdicts. It was agreed that a thesis must be more than a simple compilation of articles.

The Committee considered the following as possible responses to the student's appeal:

- Have an expert in the field review the file and report to the Executive Committee (as suggested by the student)
- Add an additional external examiner
- Allow the thesis to go to defence even though two examiners are opposed
- Based on the allegations made by the student regarding three of the four examiners of his revised thesis, have the thesis evaluated by a new committee.

Having discussed these possibilities, and taking account of the documentation available and the student's oral remarks, the Committee did not find sufficient grounds to overturn the Dean's decision and accordingly did not sustain the student's appeal. (Unanimous)